

Hearing Date and Time: August 19, 2024, 10:00 a.m.
Objection Deadline: August 12, 2024

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Special Litigation Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

LAWRENCE A. FIRST,

Debtor.

Chapter 11

Case No. 22-11020 (MG)

SUMMARY SHEET

**FOURTH INTERIM AND FINAL APPLICATION OF AMINI LLC, SPECIAL
LITIGATION COUNSEL FOR THE DEBTOR, FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Employment Detail	
Applicant:	Amini LLC
Retention date:	September 22, 2022
Interim Fees and Expenses	
Interim fee period	January 1, 2024-May 31, 2024
Fees requested for interim fee period:	\$2,405
Expenses requested for interim fee period:	\$0
Final Fees and Expenses	
Final fee period	September 22, 2022-May 31, 2024
Fees requested for final fee period:	\$569,071.50
Expenses requested for final fee period:	\$50,230.98

This is a: ☒ interim application ☒ final application

SUMMARY OF TIME BILLED FOR INTERIM FEE PERIOD

Name	Title	Admitted	Hours Billed	Hourly Rate	Total Fees
Avery Samet	Partner	2004	3.7	\$650	\$2,405

PRIOR INTERIM FEE APPLICATIONS¹

Period Covered	Date Filed; ECF Doc. #	Fees Requested	Expenses Requested	Order Date; ECF Doc. #	Fees Allowed	Expenses Allowed
9/22/22- 2/28/23	4/4/23; ECF Doc. #56	\$240,823	\$14,111.17	5/5/23; ECF Doc. #59	\$240,823	\$14,111.17
3/1/23- 7/31/23	8/15/23; ECF Doc. #75	\$329,454.50	\$35,953.91	9/13/23; ECF Doc. #88	\$319,454.50	\$35,953.91
8/1/23- 12/31/23	2/8/24; ECF Doc. #103	\$6,389	\$165.90	3/7/24; ECF Doc. #112	\$6,389	\$165.90

¹ A 5% voluntary holdback (\$12,041.15) was applied pursuant to the [first interim fee order](#); a 15% voluntary holdback (\$47,918.17) was applied pursuant to the [second](#); and a 15% voluntary holdback (\$958.35) applied pursuant to the [third](#), totaling \$60,917.67.

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Amini LLC, special litigation counsel for the debtor, submits its fourth interim and final application for allowance of compensation and reimbursement of expenses, pursuant to 11 U.S.C. §§ 330-331, FRBP 2016 and LBR 2016-1. The interim fee period covered by this application is January 1, 2024-June 30, 2024; and the final fee period runs September 22, 2022 (retention date)-May 31, 2024 (month and year of settlement agreement). Exhibit 1 is time and expense detail from the interim fee period covered by this application. Exhibit 2 is the certification required by the amended guidelines.

JURISDICTION AND VENUE

1. The Court has jurisdiction to consider this application under 28 U.S.C. §§ 157(a) and 1334(b), and General Order M-431 (Amended Standing Order of Reference). This is a core proceeding under 28 U.S.C. § 157(b)(2). This case is properly venued in this district under 28 U.S.C. § 1408.

BACKGROUND

2. Prepetition Ascribe Associates III, LLC commenced an arbitration against the debtor to recover \$11.2 million as a clawback obligation.

3. Its affiliate ASCP, LLC had obtained a prior \$4.7 million judgment against the debtor in an action to enforce a promissory note.

4. The debtor commenced this case July 27, 2022, to permit him to prosecute claims against their affiliates without interference resulting from the threatened exercise of enforcement remedies.

5. Amini LLC's [retention was approved](#) on September 22, 2022.

6. Ascribe Associates III, LLC and ASCP, LLC commenced a nondischargeability action (22-ap-1166) against the debtor, which he [answered](#).

7. On July 21, 2023, the arbitration tribunal issued its award, ruling against the debtor on each of his claims and ruling in favor of the claimant.

8. A status conference herein and pretrial conference in the adversary proceeding were held September 12, 2023 after which a scheduling order was entered.

9. In May of this year, the debtor and his wife entered into a [settlement agreement](#) with the Ascribe entities which resolves outstanding issues in this case, subject to Court approval. The [motion to approve the settlement agreement](#) and [motion to dismiss this case](#) are both scheduled to be heard August 19, 2024.

SERVICES²

10. Amini's services in the first interim fee period (September 2022-February 2023) related primarily to prosecution of the arbitration claims and defense of the nondischargeability

² The prior interim fee applications are hyperlinked in the summary sheet.

claims; its services during the second interim fee period (March 2023-July 2023) covered a four-day trial in the arbitration as well as related preparation and pre- and post-trial submissions; its services during the third interim fee period (August 2023-December 2023) covered work to effectuate a global settlement and additional work on the nondischargeability proceeding; and its services in the final fee period related to finalization of the settlement. All of these services are covered by the litigation project code. Amini LLC is not billing for preparation or filing of this or any prior fee application.

THE REQUESTED COMPENSATION SHOULD BE ALLOWED

11. § 330 provides that a court may award a professional person that is employed under § 327 “reasonable compensation for actual services rendered ... and reimbursement for actual, necessary expenses.” It also sets forth criteria for the award of such compensation and reimbursement, including the time expended, the nature and extent of services rendered and the costs of comparable services other than in a case under this title.

12. § 331 makes the standard under § 330 applicable to interim fee applications.

13. Amini LLC submits the services for which it seeks interim and final allowance were necessary and beneficial at the time rendered, in that participation in that the services performed were needed to move the arbitration, this case, the adversary proceeding and settlement discussions forward, facilitating the global settlement; and also that the amount requested is reasonable given the complexity, importance and nature of the issues involved.

14. The voluntary holdbacks for the prior interim fee period are: \$12,041.15 ([first](#)), \$47,918.17 ([second](#)) and \$958.35 ([third](#)), totaling \$60,917.67.

NOTICE

15. Notice of the hearing on this application is being served on the Debtor, all creditors and the Office of the United States Trustee.

WHEREFORE, this application should be granted.

Dated: New York, New York
July 29, 2024

Amini LLC

/s/ Avery Samet

Avery Samet

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